

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

FILED '06 OCT 11 13:12 USDC-ORP

KRISTINA ENGELBRECHT,

Plaintiff,

v.

CLACKAMAS COUNTY,

Defendant.

No. CV05-665-PK

OPINION AND ORDER

**MOSMAN, J.,**

On July 24, 2006, Magistrate Judge Papak issued Findings and Recommendation ("F&R") (#69) in the above-captioned case recommending defendants' motion for summary judgment (#37) be GRANTED as to the plaintiff's § 1983 claim and that the wrongful discharge claim be DISMISSED WITHOUT PREJUDICE under 28 U.S.C. § 1367(c). Further, Judge Papak recommended defendant's motion to strike (#60) be DENIED AS MOOT. Plaintiff filed timely objections to the F&R.


The magistrate judge makes only recommendations to the court, to which any party may file written objections. The district court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. Where objections have been made, I conduct a *de novo* review. 28 U.S.C. § 636(b)(1)(C). However, I am not required to

review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge to which no objections are made. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

After considering plaintiff's objections, I agree with Judge Papak's recommendation, and I ADOPT the F&R as my own opinion.

IT IS SO ORDERED.

DATED this 11<sup>th</sup> day of October, 2006.

A handwritten signature in black ink, reading "Michael W. Mosman". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MICHAEL W. MOSMAN  
United States District Court